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7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**

9 DAMON WALKER, JR.,
10 Plaintiff,

Case No.: 2:22-cv-01871-EJY

11 v.
12 KILOLO KIJAKAZI,
13 Acting Commissioner of Social Security,

PROPOSED ORDER FOR EAJA FEES

14 Defendant.
15

16 Pending before the Court is the parties' Stipulation for Attorney's Fees Under the
17 Equal Access to Justice Act (EAJA), filed February 15, 2024. The parties agree that
18 Plaintiff should be awarded attorney fees in the amount of \$9,211.26 expenses in the
19 amount of \$26.28 under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d).
20

21 The parties further agree that the government will consider whether the fees are
22 subject to any offset allowed under the Department of the Treasury's Offset Program. *Id.*
23 at 2. If Plaintiff does not owe a federal debt, the payment of fees shall be made directly to
24 Plaintiff's counsel.

25 The parties agree that this Order shall bar any future claims by Plaintiff and
26 Plaintiff's counsel to fees under EAJA in connection with this action, but that Plaintiff's
27 counsel may seek attorney fees under the Social Security Act's fee provisions, 42 U.S.C.
28

§ 406(b), subject to the savings clause provisions of EAJA.

IT IS ORDERED:

1. The stipulation is granted.
 2. Plaintiff is awarded \$9,211.26 in attorney's fees and \$26.28 in expenses pursuant to the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d).

3. If, after receiving the Court's EAJA fee Order, the Commissioner (1) determines upon effectuation of the Court's EAJA fee Order that Plaintiff does not owe a debt that is subject to offset under the Treasury Offset Program, and (2) agrees to waive the requirements of the Anti-Assignment Act, the EAJA fees will be made payable to Plaintiff's attorney.

However, if there is a debt owed under the Treasury Offset Program, the Commissioner cannot agree to waive the requirements of the Anti-Assignment Act, and the remaining EAJA fees after offset will be paid by a check made out to Plaintiff but delivered to Plaintiff's attorney. Any payment of costs may be made either by electronic transfer fund (EFT) or by check.

This award is without prejudice to the ability of Plaintiff's attorney to seek Social Security Act attorney fees under 42 U.S.C. § 406(b), subject to the savings clause provisions of the EAJA.

DATED: February 16, 2024

Elayna J. Zouchah

Honorable Elayna J. Youchah

UNITED STATES MAGISTRATE JUDGE